

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.478 Drainage board; continuation; responsibility; expenses; relinquishment; moneys, disposition, consent.

Sec. 478. The drainage board for each project shall continue in existence with such changes in personnel as shall result from changes in the officers constituting the board membership. It shall be responsible for the operation and maintenance of the drain. Any necessary expenses incurred in administration and in the operation and maintenance of the drain and not covered by contract shall be paid by the several public corporations assessed for the cost of the drain. The assessments shall be in the same proportion as the cost of the drain was assessed unless the drainage board establishes a different proportion for the assessments after notice and hearing as provided in section 469. The drainage board, by resolution duly adopted by it, may relinquish jurisdiction and control over all or any part of a drain or drain project at any time when there is no outstanding indebtedness or contract liability of its drainage district, to the county, township, city or village in which all or the part of the drain or drain project is wholly located, if the county, township, city or village requests or consents to the relinquishment of jurisdiction and control by resolution duly adopted by its governing body. Indebtedness or contract liability of any drainage district which will be paid in full at the time of consummation of relinquishment of jurisdiction and control shall not be deemed to be outstanding. If relinquishment of jurisdiction and control is to a county, the resolution of the governing body of the county shall specify the county agency, such as board of public works, drain commissioner, board of county road commissioners, or parks and recreation commission, which shall be thereafter responsible for exercise of such jurisdiction and control. Any moneys in the drain fund of any drain, over all or any part of which jurisdiction and control is relinquished, shall be used to pay any indebtedness or contract liability of its drainage district, and the balance shall be turned over to the county, township, city or village to be used solely with respect to the drain, all or part thereof, over which jurisdiction and control is assumed. If the relinquishment of jurisdiction and control and the turnover of drain fund relates to a part of a drain or drain project, such relinquishment and turnover shall not become effective until consented to by resolution of the governing body of each public corporation which has paid a part of the cost of the drain or drain project, and for this purpose the board of county road commissioners and the state highway commission shall be deemed to be the governing body for the county and the state.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1963, Act 215, Imd. Eff. May 17, 1963;—Am. 1969, Act 90, Imd. Eff. July 24, 1969.

Popular name: Act 40